

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BARBARA BUSTOS-ABRAMSON

Plaintiff

VS.

**DESIGNER BRANDS INC., DSW INC., and
DSW SHOE WAREHOUSE, INC.**

Defendants

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C.A. No. 5:22-cv-980

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants **Designer Brands, Inc., DSW Inc., and DSW Shoe Warehouse, Inc.** (“Defendants”) files this Notice of Removal, and respectfully shows as follows.

A. Procedural Background

1. Defendants are parties to an action commenced against it by Plaintiff Barbara Bustos-Abraham in the 166th Judicial District Court of Bexar County, Texas, styled as follows: Cause No. 22022CI12419; *Barbara Bustos-Abramson vs. Designer Brands, Inc., DSW Inc. and DSW Shoe Warehouse, Inc.*; in the 166th Judicial District Court of Bexar County, Texas (the “State Action”). True copies of the docket sheet and all process, if any, pleadings and orders received by Defendant in the State Action are contained in the Index of Documents filed contemporaneously with this Notice or will be supplemented when Defendant is able to obtain the documents from the 166th District Court.

2. Defendant received notice of Plaintiff's Original Petition in the State Action (the "Petition") on August 12, 2022.

3. Specifically, the Defendants received the service from the Texas Secretary of State on August 12, 2022 and thus, this Notice of Removal is timely filed.

B. Federal Question

4. Plaintiff's Original Petition in the State Action establishes that the United States District Court for the Western District of Texas, San Antonio Division, has jurisdiction by reason of diversity jurisdiction pursuant to 28 U.S.C. § 1332. Plaintiff is a resident of San Antonio, Bexar County, Texas. *See* Petition, page 1. Plaintiff claims that Defendants are citizens of Ohio. *See* Petition, pages 1-4.

C. Original Jurisdiction

5. Because Plaintiff's claims involve diversity jurisdiction, this Court has original jurisdiction of this case, pursuant to 28 U.S.C. § 1332. Pursuant to 28 U.S.C. § 1441(a), this action is properly removed to the United States District Court for the Western District of Texas, the judicial district in which the state court suit was pending in Bexar County, Texas.

D. Removal is Timely

6. Defendant received notice on August 12, 2022 from the Texas Secretary of State. Accordingly, removal is timely as it is being filed within thirty (30) days of the date that Defendant received notice in this matter.

7. All fees required by law in connection with this notice have been paid by Defendant at the time of filing.

E. Notice Given

8. Notice of this Removal is provided by Defendant to Plaintiff and to the 166th Judicial District Court of Bexar County, Texas.

F. Attachments

9. Pursuant to 28 U.S.C. § 1446, the following Exhibits are attached hereto and/or will be supplemented. The Exhibits are incorporated herein by reference for all purposes.

Exhibit A State Court Pleading Index

G. Consent

10. Defendant received notice of the suit. No additional defendants have been served with process. As such, no consent was required from the other defendants.

WHEREFORE, Defendants **Designer Brands, Inc., DSW Inc., and DSW Shoe Warehouse, Inc.** pray that this action be removed to the United States District Court for the Western District of Texas—San Antonio Division, from the 166th Judicial District Court of Bexar County, Texas.

Respectfully submitted,

**WILSON ELSEER MOSKOWITZ
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By: /s/ Ethan Carlyle
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record on September 8, 2022 in conformity with the Federal Rules of Civil Procedure.

s/ Ethan Carlyle _____
Ethan Carlyle